

Judge Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	
)	NO. CR05-5823RBL
Plaintiff,)	
)	
v.)	ORDER
)	
MICHAEL JORDAN,)	
THOMAS DUNIGAN, and)	
MARKUS MOORE,)	
)	
Defendants.)	

THIS MATTER having come before the Court upon a motion by defendant Jordan for a continuance of the trial, and the Court being fully advised in the matter and having considered the motion and attached affidavit of defense counsel, and having heard from all parties at the January 26, 2007, hearing concerning the arraignment of the defendants on the Fourth Superseding Indictment and the Pretrial Conference,

THE COURT HEREBY FINDS that:

- (1) a Fourth Superseding Indictment, which added a new charge of First Degree Felony Murder as to all three defendants, was returned on January 24, 2007; and
- (2) due to the need of counsel for defendant Jordan to explore issues of some complexity, including all relevant issues and defenses applicable to the case in general and the new charge and some new discovery in particular, it appears that defendant Jordan could not be fully prepared for

trial as scheduled on February 5, 2007;

IT IS HEREBY ORDERED that:

(1) the trial date is continued from February 5, 2007 to February 26, 2007;

(2) the resulting period of delay from January 26, 2007 through February 26, 2007 is excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A), because the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial;

(3) the resulting period of delay from January 26, 2007 through February 26, 2007 is also excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(B), because the defense needs time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits previously set for this case; and

(4) defendants Thomas Dunigan and Markus Moore, over their objection, are included in this Order pursuant to 18 U.S.C. § 3161(h)(7).

IT IS SO ORDERED this 1st day of February, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

Presented by:

s/
GREGORY A. GRUBER
Assistant United States Attorney